



U. S. Department of Justice

Civil Division

Assistant Attorney General

Washington, D.C. 20530

MAY 18 2004

The Honorable Madeleine Z. Bordallo  
U.S. House of Representatives  
Washington, DC 20515

Dear Congresswoman Bordallo:

Thank you for your letter of March 30, 2004, concerning the Radiation Exposure Compensation Act ("RECA" or "Act"), 42 U.S.C. § 2210 note (2000), amended by Pub. L. No. 107-273 (2002). Your inquiry, as it relates to the Act's coverage of radiation-exposed individuals, particularly those involved in the decontamination of Navy vessels, is discussed below.

In order to file a claim under the "onsite participant" provisions of the Act, an individual must complete a claim form and submit it to the Radiation Exposure Compensation Program at the following address:

Radiation Exposure Compensation Program  
U.S. Department of Justice  
P.O. Box 146  
Ben Franklin Station  
Washington, DC 20044-0146

Claims forms can be obtained by calling 1-800-729-7327 or by writing to the above-listed address. They can also be downloaded from our website: [www.usdoj.gov/civil/torts/const/reca](http://www.usdoj.gov/civil/torts/const/reca).

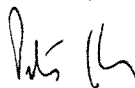
To establish onsite participation, the individual must demonstrate that he or she "participated onsite in a test involving the atmospheric detonation of a nuclear device." 42 U.S.C. § 2210 note, Sec. 4(a)(2)(C). The agency regulations implementing the Act define "onsite" as including "any designated location within a Naval Shipyard, Air Force Base, or other official government installation where ships, aircraft, or other equipment used in an atmospheric nuclear detonation were decontaminated." 28 C.F.R. § 79.11(f)(5). In response to your concern regarding eligibility under this subsection, locations in Guam would be considered "onsite" if the specific areas satisfy the criteria.

In addition, the individual must establish that he or she was: (1) a member of the armed forces; (2) a civilian employee or contract employee of the Manhattan Engineer District, the Armed Forces Special Weapons Project, the Defense Atomic Support Agency, the Defense Nuclear Agency, or the Department of Defense or its components or agencies or predecessor components or agencies; or (3) an employee or contract employee of the Atomic Energy Commission, the Energy Research and Development Administration, or the Department of Energy. Finally, the individual must have "participated" in the decontamination of any ships, planes, or equipment used during the atmospheric nuclear test. See 28 C.F.R. § 79.11(g). In almost every instance, the Radiation Exposure Compensation Program contacts organizations such as the Defense Threat Reduction Agency, the Department of Energy, and the Department of Defense in order to gather information concerning the individual's work history. These agencies provide detailed information regarding the individual's troop movements and duty assignments. Neither the Act nor the implementing regulations contain a measurement of exposure or duration of service requirement.

With regard to the medical component, the Act requires that medical documentation be provided to establish that the individual was diagnosed with a specified compensable disease. The specified compensable diseases for onsite participants are: leukemia (but not chronic lymphocytic leukemia), multiple myeloma, lymphomas (but not Hodgkin's disease), and primary cancer of the thyroid, female breast, esophagus, stomach, pharynx, small intestine, pancreas, bile ducts, gall bladder, liver, male breast, salivary gland, urinary bladder, brain, colon, ovary, and lung. See 42 U.S.C. § 2210 note, Sec. 4(b). Certain documentation, such as birth, death, and marriage certificates, must also be submitted to establish identity and eligibility to file a claim under the Act.

I appreciate the inquiry on behalf of your constituents. Do not hesitate to contact me should you, your office, or a constituent need additional information or assistance.

Sincerely,



Peter D. Keisler  
Assistant Attorney General